

American Heavy Plates
42722 State Route 7
Clarington, OH 43915



October 13, 2020

VIA EMAIL TO steel232-exp@bis.doc.gov

The Honorable Wilbur Ross
Secretary of Commerce
U.S. Department of Commerce
ATTN: Bureau of Industry and Security
1401 Constitution Ave NW
Washington, DC 20230

RE: Procedures to Grant Relief from the Quantitative Limitation Applicable to Certain Steel Articles for Brazil for Parties with Preexisting Contracts that Meet Specified Criteria, 85 Fed. Reg. 64377 (Oct. 13, 2020): Request for Relief from Modified Quantitative Limitations Applicable to Steel Slab From Brazil

Dear Secretary Ross,

I am writing to you today, in accordance with clause 2 of the President's proclamation 10064 dated August 28, 2020, and subsequent temporary final rule 15 CFR Part 705 as published in the Federal Register (85 Fed. Reg. 64377; Oct. 13, 2020), to request an exemption for the import of steel slabs we have purchased from Brazil, and which arrived into the United States three weeks ago. We request that we be granted relief, and that 20,000 MT of steel be cleared for consumption.

I hereby swear that the following facts are true:

As discussed below, the steel slab for which we are seeking relief meets the criteria for relief set forth in clause 2(i) through (iv) of Proclamation 10064.

American Heavy Plate Solutions, LLC. (dba American Heavy Plates) began negotiations for the purchase of 300mm thick continuously cast steel slabs in April of 2020 and issued a written purchase order on June 24, 2020. We funded a letter of credit to facilitate payment to the supplier, CSP, at that time. Under the written agreement the steel was to arrive no later than mid-September, 2020.

The steel slab is listed in the subheading 9903.80.57 of subchapter III of Chapter 99 of the HTSUS for Brazil. The steel slab is classified under HTSUS subheading 7207.12.0050. The slabs measure 300mm x 2300mm, with a nominal length of 5000mm. The steel slabs arrived in the United States on September 19th and are currently waiting release in Paulsboro, NJ. It is our intent to immediately withdraw the approved quantity for consumption in its entirety.

The above-reference slab will be used in production activities in the United States. Specifically, American Heavy Plate Solutions, LLC. will process these slabs at our Clarington, Ohio facility, heating them to between 1,900-2,300 degrees Fahrenheit and then rolling them into the final sizes required to fulfill

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customer requirements. We also will provide a range of additional processing, primarily flamecutting, heat treating, lab testing and machining.

There is no domestic supplier for these slabs currently, and our business is reliant on these heavy steel slabs for the production of heavy steel plates. Not having access to these slabs for the fourth quarter of 2020 would create a significant business continuity problem for us, and a supply problem for our customers. In fact, we have existing orders that are waiting on the availability of these steel slabs for rolling at our mill.

I understand that CBP will be responsible for enforcing the proper administration of any relief granted, and the company will comply with reporting requirements as requested. All entries for consumption will be filed by our independent customs broker, Geodis, and all steel left uncleared for consumption will remain in bond until such time that it is cleared by CBP.

Finally, I understand that we are obliged to limit our requests for consumption to the amount specifically allowed by the Secretary and confirm that we will not exceed this quantity.

The revised proclamation specifies that this statement be sworn to by both the Chief Executive Officer AND the Chief Legal Officer. Our Chief Executive is Robert Schaal who holds the title of President. We do not have an internal legal officer, and rely on external counsel, K&L Gates. We have included the attached statement from our K&L Gates legal counsel, Stacy J. Ettinger, in support of this statement.

Thank you for your attention to this matter and I am available for any questions that you may have about our request.

Yours truly,

A handwritten signature in black ink that reads "Robert Schaal". The signature is written in a cursive style and is positioned above a horizontal line.

Robert Schaal, President
American Heavy Plates
(m) 941.400.1217

LEGAL REPRESENTATIVE STATEMENT

I, Stacy J. Ettinger, Partner with K&L Gates LLP, and counsel to American Heavy Plate Solutions, LLC. (dba American Heavy Plates), have read the “Request for Relief from Modified Quantitative Limitations Applicable to Steel Slab From Brazil”, dated October 13, 2020. The Request is being submitted in connection with the U.S. Department of Commerce, Bureau of Industry and Security, Temporary Final Rule entitled “Procedures to Grant Relief from the Quantitative Limitation Applicable to Certain Steel Articles for Brazil for Parties with Preexisting Contracts that Meet Specified Criteria”, 85 Fed. Reg. 64377 (October 13, 2020).

In my capacity as legal counsel to American Heavy Plate Solutions, LLC. I swear that the information contained in this submission is accurate and complete to the best of my knowledge.



Signature

October 13, 2020

Date